

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

ERIC D. McNEAL,

Petitioner

VS.

KEVIN ROBERTS,

Respondent

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NO. 7:07-cv-44 (HL)

ORDER

Before the Court is petitioner **ERIC McNEAL'S** notice of appeal (Tab # 20) from the Court's January 29, 2008 order, which adopted Magistrate Judge Richard L. Hodge's recommendation that petitioner's 28 U.S.C. § 2254 motion be denied. The Eleventh Circuit Court of Appeals has mandated that the Court construe petitioner's notice of appeal as an application for a certificate of appealability ("COA") pursuant to 28 U.S.C. § 2253(c). *Edwards v. United States*, 114 F.3d 1083 (11th Cir. 1997). Under section 2253(c), a COA may issue only if the applicant has made a substantial showing of the denial of a constitutional right. For the reasons stated in Magistrate Judge Hodge's recommendation and this Court's order accepting the same, the Court finds that petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Accordingly, the application for a COA is **DENIED**.

SO ORDERED, this 11th day of February, 2008.

s/ *Hugh Lawson*
HUGH LAWSON
UNITED STATES DISTRICT JUDGE